



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 5/14/2021

ORM Number: 2021-00720-JLK

Associated JDs: N/A

Review Area Location¹: State/Territory: Wisconsin City: Ashwaubenon County/Parish/Borough: Brown

Center Coordinates of Review Area: Latitude 44.454956 Longitude -88.111573

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands 5, 6, and 7	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Based on a review of the wetland delineation map, Wetlands 5, 6, and 7 are surrounded by uplands in the southwestern portion of a golf course with an agricultural field immediately west. The delineation map shows the boundaries of the listed wetlands are contained within the review area and a review of historical aerial photos provided in the delineation report and via Google Earth (photos taken 05/2018, 06/2017, 04/2017, 04/2015, 05/2011, 06/2010, 06/2008, 06/2006, 05/2005, 05/1992) primarily taken during the wetter months of the year, illustrate mostly dry conditions within the area. The Wisconsin Surface Water Data Viewer indicates the nearest (a)(1)-(a)(3) water is an unnamed tributary to Dutchman Creek located approximately 0.12 mile to the east of Wetland 5. A review of floodplain maps indicate there is a mapped floodplain for this tributary however Wetlands 5, 6, and 7 are all located outside of the floodplain and a review of a topographic map provided via Brown County GIS indicates a gradual decrease in elevation from 640 to 634 towards the tributary to the east. The presence of uplands around all three wetlands, the change in elevation, the wetlands being outside of the mapped floodplain to the east, and aerial photography, all indicate these wetlands do not abut the tributary to the east, are not separated from this water by natural or man-made barriers, and do not receive flooding in a typical year from this water of the U.S.
Wetlands 10 and 11	0.40	acre(s)	(b)(1) Non-adjacent wetland.	Based on a review of the wetland delineation map, Wetlands 10 and 11 are surrounded by uplands in the northeastern portion of a golf course with residential development further northeast. The delineation map shows the boundaries of both wetlands are contained within the review area and a review of historical aerial photos provided in the delineation report and via Google Earth (photos taken 05/2018, 06/2017, 04/2017, 04/2015, 05/2011, 06/2010,

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				06/2008, 06/2006, 05/2005, 05/1992) primarily taken during the wetter months of the year, illustrate mostly dry conditions within the area. The Wisconsin Surface Water Data Viewer indicates the nearest (a)(1)-(a)(3) water is an unnamed tributary to Dutchman Creek located approximately 0.12 mile to the northwest of Wetland 10. A review of floodplain maps indicate there is a mapped floodplain for this tributary however Wetlands 10 and 11 are both located outside of the floodplain and a review of a topographic map provided via Brown County GIS indicates a gradual decrease in elevation from 642 to 634 towards the tributary to the northwest. The presence of uplands around both wetlands, the change in elevation, the wetlands being outside of the mapped floodplain, and aerial photography, all indicate these wetlands do not abut the tributary to the northwest, are not separated from this water by natural or man-made barriers, and do not receive flooding in a typical year from this water of the U.S.
Wetland 8	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Based on a review of the wetland delineation map, Wetland 8 is surrounded by uplands in the western/central portion of a golf course with an agricultural field to the south and a fallow field to the west. The delineation map shows the boundaries of Wetland 8 is contained within the review area and a review of historical aerial photos provided in the delineation report and via Google Earth (photos taken 05/2018, 06/2017, 04/2017, 04/2015, 05/2011, 06/2010, 06/2008, 06/2006, 05/2005, 05/1992) primarily taken during the wetter months of the year, illustrate mostly dry conditions within the area. The Wisconsin Surface Water Data Viewer indicates the nearest (a)(1)-(a)(3) water is an unnamed tributary to Dutchman Creek located approximately 0.06 mile to the east of Wetland 8. A review of floodplain maps indicate there is a mapped floodplain for this tributary with a slight overlap between the eastmost boundary of Wetland 8 and the 1% Annual Chance Flood Hazard area. However, a review of a topographic map provided via Brown County GIS indicates a gradual decrease in elevation from 642 to 638 towards the tributary to the east and Wetland 8 would not be expected to receive



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			flooding from this tributary in a typical year. The presence of uplands around Wetland 8, the change in elevation, and aerial photography, all indicate this wetland does not abut the tributary to the east, is not separated from this water by natural or man-made barriers, and does not receive flooding in a typical year from this water of the U.S.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: [McMahon Associates, Inc., Highland Ridge Golf Course, Village of Ashwaubenon, 2021 Wetland Delineation.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: Google Earth and Brown County GIS.](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\).](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☐ USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- ☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	Wisconsin Wetland Inventory
FEMA/FIRM maps	Floodplain Maps

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)